



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,759	04/10/2007	Masanori Takano	SCEP 22.700 (100809-00345)	4173
26304 7590 12/19/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER LABAZE, EDWYN	
			ART UNIT 2887	PAPER NUMBER
			MAIL DATE 12/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,759	Applicant(s) TAKANO ET AL.	
	Examiner EDWYN LABAZE	Art Unit 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 22-27 is/are allowed.
- 6) ☒ Claim(s) 10-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/16/08, 6/26/08, 12/8/08</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2887

DETAILED ACTION

1. Receipt is acknowledged of IDS filed on 04/16/08, 6/26/08, & 12/08/08.
2. Receipt is acknowledged of Elections, amendments/arguments filed on 12/8/2008.
3. The applicant has elected group I with claims 9-11 and 22-27.
4. This application is a 371 of PCT/JP05/18926 filed on 10/14/2005.

Priority

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

6. Claims 22 and 25-27 are objected to because of the following informalities:

There is no antecedent basis for the limitations “the same hue” in the claims. The applicant is respectfully requested to substitute “the same hue” with “a hue” so as to render the claimed invention in condition for allowance.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a machine/apparatus asserted utility or a well established utility.

Art Unit: 2887

Re claim 10: The claimed invention lacks one of four enumerated categories of a statutory subject matter {i.e. process, machine, manufacture, or composition of matter} (see MPEP 2106.IV section B. The applicant is respectfully requested to amend the claimed language so as to render the claimed invention in condition for allowance.

Claim 10 is also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a machine and/or apparatus asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al. (U.S. 6,650,776) in view of Nojiri (US 2004/0182930).

Ihara et al. discloses two-dimensional code recognition processing method and apparatus, which includes setting up a range of pixel values for detecting the reference cell, extracting pixels within the range thus set up, and detecting the reference cell in the frame image; and setting up a range of pixel values for detecting the corner cells, extracting pixels within the range thus set up, and detecting the corner cells in the frame image (col.2, lines 18-67; col.3, lines 1-21; col.16, lines 15-35).

Art Unit: 2887

Ihara et al. fails to specifically teach a RGB format.

Nojiri discloses two-dimensional code, method and apparatus for generating, displaying and reading the same, which includes a RGB format (see col.22, lines 1-67; col.25, lines 15-67; col.26, lines 1-67).

In view of Nojiri's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Ihara a RGB format, in the form of a color filter, for identifying multiple colors {such red, blue, green} allocated to at least one of the position detecting patterns. Furthermore the RGB format, through a color filter, is well known in the art and is beneficial in determining which color is assigned to each cell. Therefore, such modification would have been an obvious extension as taught by Ihara et al.

Allowable Subject Matter

11. Claims 9 and 22-27 allowed.

12. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, herein broadly teaches a CPU that performs a binarization on the image but fails to specifically teach:

With regards to claim 9: a first detector which detects the reference cell in binary data for the frame image, whereupon the first detector detects the reference cell by referring to a resultant binary data; and a second detector which detects the corner cells in the binary data for the frame image, whereupon the second detector detects the corner cells by referring to a resultant binary data;

Art Unit: 2887

With regards to claims 22-27: an extractor which extracts the gradation area on the game mat, from binary data for the frame image; and an adjuster which refers to binary data for the gradation area and accordingly adjusts the range of pixel values in the RGB format for binarization by the binarization processor.

These limitations in conjunction with other limitations in the claimed invention were not by the prior art of record.

Response to Arguments

13. Applicant's arguments with respect to claims 9-11 and 22-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571)272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2887

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EDWYN LABAZE/
Primary Examiner, Art Unit 2887
12/19/2008

<div>Application Number</div> <div></div>	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/590,759	TAKANO ET AL.	
	Examiner	Art Unit	
	EDWYN LABAZE	2887	